

DEPARTMENT OF TAXATION AND FINANCE

MEMORANDUM

TO: Mr. Doran

OFFICE

FROM: Mr. Scully

DATE April 11, 1967

SUBJECT: Shirtcraft Co. Inc.
(changed to Oxford Apparel, Inc.)

Form CT-122 attached to the franchise tax report of the above corporation for the fiscal year ended September 30, 1963 shows a reduction in tax of \$8,338.09. Accordingly, your approval and the approval of the Tax Commission are required.

On audit of the report we adjusted the receipts factor from 3.319% to 53.14% on the basis that the corporation did not have a permanent or continuous place of business outside New York State. The corporation objected to this assessment, arguing that its principal officers are located in Atlanta, Georgia, and that it has a permanent or continuous place of business at the premises of its parent company, Oxford Manufacturing Co., Inc. This corporation has no inventories in New York State and no employees in this state, all of its sales being made by salesmen of the parent company.

Under the circumstances, it is quite possible that the activities of this corporation in New York State are exclusively in interstate commerce and that it is not subject to the New York State franchise tax. It is therefore recommended that the allocation computed by the corporation on its report be accepted.

Your approval of the reduction of \$8,338.09 is recommended.

/s/

EDWARD J. SCULLY

Sr. Tax Administrative Supervisor

Approved

E. A. DORAN

EJS:jb